

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re:) 19-28861
)
Michael K. Ricks,) Chapter 13
)
Debtor(s).) Hon. Judge Jacqueline P. Cox

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on June 7, 2021, at 9:00 a.m., I will appear before the Honorable Jacqueline P. Cox, or any judge sitting in that judge's place, and present this motion, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, (1) use this link: <https://www.zoomgov.com/>. (2) Enter the meeting ID 1612732896. (3) Enter the passcode 778135.

To appear by telephone, (1) call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. (2) Enter the meeting ID 1612732896. (3) Enter passcode 778135.

When prompted identify yourself by stating your full name. To reach Judge Cox's web page go to www.ilnb.uscourts.gov and click on the tab for Judges.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Movant: Michael K. Ricks
By: Michael R. Colter, II
David M. Siegel & Assoc., LLC
790 Chaddick Drive, Wheeling, IL 60090
(847) 520-8100 - mcolter@davidmsiegel.com

CERTIFICATE OF SERVICE

I, Michael R. Colter, II, certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on May 11, 2021, at 5:00 p.m.

To the following persons or entities who have been served via electronic mail:

U.S. Bankruptcy Trustee
M.O. Marshall (Tom Vaughn), Chapter 13 Trustee

To the following persons or entities who have been served via U.S. Mail:

Michael K. Ricks
23302 Dukes Run Drive
Spring, TX 77373

Pinnacle Service Solutions LLC
4408 Milestrip Rd #247
Blasdell, NY 14219

SpeedyRapid Cash
P.O. Box 780408
Wichita, KS 67278

Capital One Bank (USA), N.A.
4515 N Santa Fe Ave
Oklahoma City, OK 73118

Lakeview Loan Servicing, LLC
M&T Bank
PO Box 840
Buffalo NY 14240

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Capital One, N.A.
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

Bank of America, N.A.
P O Box 982284
El Paso, TX 79998-2238

Jefferson Capital Systems LLC
Po Box 7999
Saint Cloud Mn 56302-9617

Lending Club Corporation
595 Market Street, Suite 200
San Francisco, CA 94105

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk VA 23541

Citibank, N.A.
5800 S. Corporate Pl.
Sioux Falls, SD 57108-5027

BBVA USA
PO Box 10566
Birmingham, AL 35296

Portfolio Recovery Associates, LLC
P.O. Box 41067
Norfolk VA 23541

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MOTION TO MODIFY PLAN

NOW COMES the Debtor, Michael K. Ricks, by and through his attorney, David M. Siegel & Associates, LLC, to present this Motion, and in support thereof states as follows:

- 1) This Court has jurisdiction pursuant to 28 U.S.C. § 1334 and Internal Operating Procedure 15(a) of the U.S. District Court for the Northern District of Illinois.
- 2) On April 3, 2017, Michael K. Ricks filed for relief under Chapter 13 of Title 11 USC, and Tom Vuaghn was appointed trustee in this case.
- 3) Debtor's Plan currently requires monthly payments of \$500.00, with general unsecured creditors receiving no less than 10% of their allowed claims.
- 4) Debtor received a tax refund in the amount of \$1,729.00, for 2020. Under the terms of the confirmed plan, the Debtor is able to retain \$1,200.00 of the refund. Debtor seeks to retain the entire refund and waive the requirement to pay \$529.00 to the Trustee.
- 5) Debtor spent \$1,331.14 on vehicle repairs for his 2015 Chrysler 300 (Exhibit A).
- 6) Debtor seeks to modify his plan under § 1329 and waive the requirement to turn over his tax refund as an extra payment to his creditors.
- 7) The general unsecured creditors will still receive no less than 10% of allowed claims.
- 8) The Debtor seeks this modification without the intent to commit fraud.

WHEREFORE, the Debtor, Michael K. Ricks, prays that this Honorable Court enter an Order Modifying Debtor's Chapter 13 Plan and for other such relief as the Court deems fair and proper.

Respectfully Submitted,

/s/ Michael R. Colter, II
Michael R. Colter, II, A.R.D.C. #6304675
Attorney for the Debtor